

# Lawyers can help when homeowners' termite issues remain unresolved

Stephen Hudak | Sentinel Staff Writer  
November 24, 2008

## Lawyer Pete Cardillo admits he has a grudging respect for termites.

"They're ferocious, relentless and ecologically important," Cardillo said of the ravenous, wood-chomping bugs that have helped him build a thriving [Tampa](#)-based law practice with an unusual specialty: suing pest-control and insurance companies over termite damage.

Cardillo, 51, said he is currently litigating more than 40 termite-related lawsuits in Florida, including about a dozen in federal or circuit courts in Central Florida. The self-titled "Bug Lawyer" has been a pest to exterminating companies for more than 15 years.

Atlanta-based pest-control giant Orkin Inc. recently filed a federal lawsuit in Ocala to stop a circuit judge from enforcing a settlement with the Sandalwood Condominium Association of Wildwood that would require Orkin to pay for \$6 million in repairs to the Sumter County complex. Cardillo represented the condominium association.

## Don't call a lawyer first

A lawyer might not always be the best way to settle a dispute with a bug exterminator, experts say.

Wayne Cowart, a former Orkin executive who has served as a termite consultant for plaintiff attorneys, including Cardillo, said a lawyer should be a frustrated homeowner's last resort.

"By and large, the pest-control companies want to take care of their customers," Cowart said. "I personally believe most consumers are much better served if they can resolve the matter successfully without involving the legal community."

He said that involving lawyers, who often command a 45 percent share of any jury or settlement award, shrinks the pool of cash available to fix property damage.

## A statewide scourge

In July, [Charles Bronson](#), commissioner of the state Department of Agriculture and Consumer Services, urged homeowners to "educate themselves" about pest-control companies as some areas of the Sunshine State were experiencing drywood-termite infestations.

The state, which encourages homeowners to protect themselves against the "silent destroyers," can help, department spokeswoman Liz Compton said.

"Termites are all over Florida," Compton said. "In Florida, it's not whether there are termites near your house, but how close they are."

She said consumers ought to get price and service quotes from several companies, meet with each and ask questions. She suggested that consumers also call the state's consumer-assistance center (1-800-HELP-FLA) before signing a contract. Consumers can verify a company's license and check its complaint history. Because pest-control companies are regulated by the state, the assistance center's analysts can sometimes clarify contract language and mediate disputes.

## **Is it in the contract?**

Pest-control companies are required by state law to provide written contracts to consumers before treating for termites. Compton said the document should clearly inform a customer about the type of termites covered by the contract, the company's obligations and whether the company will re-treat and repair damaged property if a termite infestation occurs.

Martha Craft, a spokeswoman for Orkin, said the company's policy is to honor contracts with its 1.7 million customers.

"Obviously, Orkin could not have stayed in business for more than 100 years without being effective in termite control, and it is in our best interest to do the best possible job for our customers," she said. It's rare, she said, but "nature wins an occasional battle. . . . despite our best efforts."

Terminix, another giant pest-control firm that has been sued by Cardillo's clients, declined to comment for this story.

## **Get the right kind of help**

If push comes to shove between a customer and a pest-control company over damage, the customer should hire a lawyer familiar with the extermination industry, said former Orkin executive Cowart: "Otherwise it's like having a divorce attorney handling a medical malpractice case."

Cardillo, for instance, has "made himself into a bug man" by devouring pest-control literature, Cowart said. A Columbia Law School graduate, Cardillo's practice is limited to termite cases. He even drives a car with a vanity license plate: "BUG LAW."

Orkin has a dim view of Cardillo, who has accused the company of racketeering and false advertising.

"Mr. Cardillo is an example of how lawyers can make things worse, not better, for the consumer," Craft said. "While we work hard to take care of our customers' concerns, his wild accusations inflate the cost and prolong the time to resolve a matter to the point that doing what's right and fair is no longer possible."

"Lawyers are the only ones who are going to protect consumers -- absolutely the only ones," Cardillo said. "They say they're taking care of their customers' concerns. If they were doing that, I wouldn't have any work."

*Stephen Hudak can be reached at [shudak@orlandosentinel.com](mailto:shudak@orlandosentinel.com) or 352-742-5930.*

Worried about termites?

What to look for: \*Wood that sounds hollow when tapped. \*Pencil-sized mud tubes on exterior walls. \*Distorted, cracked or bubbled areas of wood surfaces. \*Groups of winged insects or piles of discarded insect wings.

Silent threat

Subterranean termites are considered the most destructive bug in Florida, causing an estimated

\$700 million in damage and pest control annually. \*They live underground in tunnels or mud tubes. \*They feed on products containing cellulose. \*They can collapse a building from inside out using their jaws to bite off fragments of wood. \*They often build tunnels through cracks in concrete. \*They need contact with the soil to survive. \*They swarm in the spring.

-- SOURCES: Smithsonian Institution, National [Museum of Natural History](#); [Florida Department of Agriculture and Consumer Services](#)

PROBLEMS WITH YOUR PEST-CONTROL COMPANY? \*First, call the company to discuss your complaint. \*If you do not get satisfaction, contact state Department of Agriculture and Consumer Services at 1-800-435-7352 (1-800-HELP-FLA) \*Complete state form DACS-13621, which requires consumers to attach a copy of the pest-control contract, specify the complaint and efforts to correct problem. \*Return form to regional inspector with the Bureau of Entomology and Pest Control. Regional inspectors for Lake, Orange, Polk, Seminole and Volusia counties are located at 4141 County Road 561, [Tavares](#), 32778, or 352-742-6199. Regional inspectors for Brevard and Osceola are located at 7150 20th St., Suite C, Vero Beach, 32966, or 772-778-5045. \*You may also contact the Bureau of Entomology and Pest Control in Tallahassee at 850-921-4177.

HELPFUL WEB SITES \*floridatermitehelp.org (Managed by the state Department of Agriculture and Consumer Services, site includes information about filing a complaint.)

\*edis.ifas.ufl.edu/IG097 ( [University of Florida](#) site with termite photos, information and some control tips.) \*pestworld.org (Trade-association site for the nation's 18,000 pest-control professionals includes consumer pages.) \*termites101.org (Sponsored by Orkin Inc., site includes identifying photos, information, warning signs and advice.) \*flpma.org (site for the Florida Pest Management Association, includes contact numbers for 1,200 licensed pest-management professionals.)

FAST FACTS \*One in three Florida homes is covered by a contract with a pest-control company. \*Florida has an estimated 3,800 pest-control companies. \*Subterranean termites live in soil and attack from the ground up. \*Drywood termites live in isolated pieces of wood such as attic rafters.

PREVENTION TIPS \*Avoid accumulating water near your home's foundation by diverting away rain water with downspouts. \*Reduce humidity in crawl spaces and attics with proper ventilation. \*Eliminate wood contact with the soil.

-- SOURCES: Allen Fugler, executive vice president of the Florida Pest Management Association; state Department of Agriculture and Consumer Services

<http://www.orlandosentinel.com/community/news/ucf/orl-termites08nov24,0,2087295,full.story>